

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
ALBERTO FIGUEROA HERNANDEZ
NILDA I MORALES MORALES

DEBTOR (S)

CASE NO. 10-09058-SEK

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$338,311.00**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,614.00 Fees paid: \$0.00 Fees Outstanding: \$2,614.00
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With respect to the proposed (amended) Plan dated: **November 29, 2010** (Dkt 15).

Plan Base: **100,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim.

The proposed plan fails to provide for CRIM's secured claim No. 2. The plan is sufficiently funded to pay said claim.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor is yet to submit tax returns for the years 2006 and 2008.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtors are yet to submit the municipal patent.

- Other/Comments

There is a motion to dismiss pending filed by the Trustee in docket no. 18

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this February 07, 2011.

/s/ Jose R. Carrion

/s/ Nannette Godreau -Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE
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